



Express Mail EV 493 480 798 US

Docket No.: H0682.70000 US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stefan Marinca
Serial No.: 10/731,704
Confirmation No.: 5247
Filing Date: December 9, 2003
Title: BANDGAP VOLTAGE REFERENCE

Examiner: Gary L. Laxton
Art Unit: 2838

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST TO CORRECT RECORD REGARDING INFORMATION DISCLOSURE
STATEMENT AND FOR EXAMINER TO CONSIDER AND ACKNOWLEDGE
CONSIDERATION OF A REFERENCE**

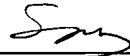
Accompanying the Notice of Allowance, the Examiner returned a copy of Applicant's form PTO-1449/A and B (Modified), but struck through two citations, one to EP 1132795 and the other to an International Search Report in PCT/EP2004/053306. The Examiner's handwritten notation adjacent the citation of EP 1132795 states "No English Abstract. No Statement of Relevance. No Translation." The Examiner has erred. Indeed, the International Search Report and Written Opinion from the corresponding PCT application (the second item struck) provides the very statement of relevance the Examiner indicated to be lacking. If the Examiner will refer to the last two pages of the Written Opinion accompanying the International Search Report, under items V, paragraphs 1.1 and 1.2, he will see that there is a discussion of EP 1132795 (identified as Document D1), and that the European Examiner considered such reference "the closest prior art with respect to the present application." The European Examiner explained his reasoning in the ensuing two paragraphs. At the time, this material constituted the best understanding of Applicants as to the

potential relevance of the reference. In response to the Examiner's handwritten notation on the PTO-1449 form, Applicant has done an on-line search and has found the attached English language abstract.

The International Search Report and Written Opinion are in the English language. The Examiner has indicated that he has not considered them because relevance was not indicated. However, 37 CFR §1.98(a)(3)(i) requires a concise explanation of the relevance only of documents not in the English language. Consequently, there is no justification for the Examiner failing to review the International Search Report and Written Opinion. Had he done so, he would have seen therefrom the relevance of the cited European patent application.

Accordingly, Applicant is entitled to have these documents considered and for the file to so indicate. Reconsideration of the IDS is now requested.

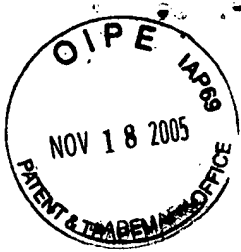
Respectfully submitted,



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Docket No.: H0682.70000 US00
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Transmitted herewith are the following documents:

- ☒ Issue Fee Transmittal
- ☒ Request To Correct Record Regarding Information Disclosure Statement And For Examiner To Consider And Acknowledge Consideration Of A Reference
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$1,700 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

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